

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

QUANTUM LABS, INC., et al.,

Plaintiffs,

v.

MAXIM INTEGRATED PRODUCTS INC,
et al.,

Defendants.

Case No. 18-cv-07598-BLF

**ORDER GRANTING IN PART AND
DENYING IN PART SECOND
STIPULATION TO IMPLEMENT
REMOVAL AND CLEANING MOU,
STAY DISCOVERY, AND CONTINUE
DATES AND DEADLINES**

[Re: ECF No. 122]

On November 9, 2021, the parties filed a stipulation requesting that the Court (1) approve of the parties' Amended MOU to implement the removal and decontamination efforts, (2) order the parties to not have Sure Fire or any other contractor enter its facility to address the San Jose Fire Department ("SJFD") violations until the work under the Amended MOU has been completed, (3) order a temporary cessation of the issuance or enforcement of any fines by the SJFD against Quantum Labs until the completion of work by Sure Fire, (4) stay discovery in this Action pending the parties' third mediation session on January 5, 2022 with Justice Lambden, and (5) modify the current schedule. *See* ECF No. 122.

On November 10, 2021, the Court requested clarification of its authority to order action by non-party SJFD. *See* ECF No. 123. On November 12, 2021, the parties filed a joint response indicating that SJFD "has oversight and enforcement powers under the Resource Conservation and Recovery Act ('RCRA') concerning the property at issue in this Action and any actions or threatened actions that would interfere with a cleanup under RCRA (including fines threatened by the San Jose Fire Department) come under the Court's jurisdiction and inherent authority." *See* ECF No. 124.

Since the Court finds that the parties have not sufficiently explained the Court's authority to order action by non-party SJFD, nor has SJFD been given the opportunity to respond to the parties'

request, the Court hereby DENIES the parties' stipulation as to the request for the Court to enter a temporary cessation of the issuance or enforcement of any fines by the SJFD against Quantum Labs until the completion of work by Sure Fire. Otherwise, the Court hereby GRANTS the parties' stipulation.

IT IS SO ORDERED.

Dated: November 15, 2021



BETH LABSON FREEMAN
United States District Judge